

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

MIAMI VALLEY HOSPITAL,

Plaintiff,

:

Case No. 3:05-cv-297

-vs-

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

:

COMMUNITY INSURANCE  
COMPANY, et al.,

Defendants.

---

---

**DECISION AND ORDER DENYING MOTION TO CONSOLIDATE**

---

---

This case is before the Court on Defendant Community Insurance Company's Motion to Consolidate this case with other cases filed by Miami Valley Hospital and/or Good Samaritan Hospital (Doc. No. 8). Miami Valley opposes the Motion (Doc. No. 13) and Community has filed a Reply in support (Doc. No. 14).

The Hospital's principal ground of opposition is that this case and the others similar to it have been improperly removed and it and Good Samaritan have filed motions to remand. Those motions are not yet decided and the Court does not base its decision on the pendency of a motion to remand.

Defendant is primarily concerned to avoid inconsistent rulings on the legal questions involved in these cases. The Court has dealt with that possibility by transferring to Judge Rose all cases initially assigned to Judge Rice; Judge Rose has subsequently referred all of the cases to the undersigned. This eliminates any concern for inconsistent rulings, provided only that the undersigned can himself remain consistent from case to case.

Defendant complains of the necessity of filing briefs in each case which are essentially duplicative, but the availability of electronic filing reduces that burden substantially. Defendant also complains of the inconsistent schedules in the various cases, but it is the undersigned's intention to attempt to synchronize those schedules as soon as possible. There still may be enough unique issues in the individual cases to require that they be separated for trial and perhaps tried seriatim. As more and more cases are brought, it may be necessary to schedule those seriatim trials in waves. In any event, it does not appear at this point that there would be any substantial judicial economy from consolidation that cannot be achieved by retaining separate dockets.

The Motion to Consolidate is DENIED.

December 12, 2005.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge